

1 WAYMO LLC,

2 Plaintiff,

3 v.

4 UBER TECHNOLOGIES, INC., et al.,

5 Defendants.

6 Case No.[17-cv-00939-WHA](#) (JSC)

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9 **ORDER GRANTING IN PART AND**
DENYING IN PART
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL

10 Re: Dkt. Nos. 878, 926

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12 Plaintiff Waymo LLC (“Waymo”) filed an Administrative Motion to File Under Seal
13 portions of its Discovery Letter Brief in Support of its Motion to Compel (“Letter Brief”) and
14 Exhibits 1-7 and 10-12 thereto. (Dkt. No. 878.) After carefully considering the parties’
15 submissions, the motion is GRANTED IN PART and DENIED IN PART.

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17 Waymo seeks to seal the following:

18 1) The green and blue highlighted portions of its Letter Brief. (Dkt. No. 878-4.) Waymo
19 only seeks to seal the blue highlighted portions because it believes Defendants consider
20 this information confidential. (Dkt. No. 878 at 3-4.) Waymo seeks to seal the green
21 highlighted portions because they disclose trade secrets and confidential business
22 information. (*Id.* at 3.)

23 2) The green highlighted portions of Exhibit 1. (Dkt. No. 878-6.) Waymo seeks to seal
24 these portions because they disclose trade secrets and confidential business
25 information. (Dkt. No. 878 at 3.)

26 3) The green and blue highlighted portions of Exhibit 2. (Dkt. No. 878-8.) Waymo only
27 seeks to seal the blue highlighted portions because it believes Defendants consider this
28 information confidential. (Dkt. No. 878 at 3-4.) Waymo seeks to seal the green

1 highlighted portions because they disclosure trade secrets and confidential business
2 information. (*Id.* at 3.)

3) The blue highlighted portions of Exhibits 3-5, 7 and 12. (Dkt. Nos. 878-10, 878-12,
4 878-14, 878-17, 878-21.) Waymo only seeks to seal the blue highlighted portions
5 because it believes Defendants consider this information confidential. (Dkt. No. 878 at
6 3-4.)

7) The entirety of Exhibits 6 and 11. (Dkt. Nos. 878-15, 878-19.) Waymo only seeks to
8 seal the blue highlighted portions because it believes Defendants consider this
9 information confidential. (Dkt. No. 878 at 3-4.)

10) The entirety of Exhibit 10. (Dkt. No. 878-18.) Waymo only seeks to seal this
11 information because it believes Lior Ron considers this information confidential. (Dkt.
12 No. 878 at 4.)

13 Defendants Uber Technologies and Ottomotto LLC (collectively, “Defendants”) filed a
14 Declaration in support of Waymo’s Administrative Motion (Dkt. No. 936) narrowing the portions
15 they seek to have sealed to the following:

16) The marked portions (in red) of Waymo’s Letter Brief. (Dkt. No. 936-2 at 6.)
17 Defendants argue that this information identifies Uber’s servers containing LiDAR-
18 related information and that disclosure would threaten the security of the company’s
19 servers. (Dkt. No. 936 at 2.)

20) The blue highlighted portions of Exhibit 2. (Dkt. No. 878-8.) Defendants argue these
21 portions contain “detailed technical information about Uber’s LiDAR design, assembly
22 process, and confidential vendor information.” (Dkt. No. 936 at 2.)

23) The blue highlighted portions of Exhibit 3. (Dkt. No. 878-10.) Defendants argue these
24 portions contain “highly confidential information regarding business agreement terms,
25 including information about the structure of a business agreement,” as well as
26 “identification of Uber’s servers or internal folder structure containing LiDAR-related
27 information.” (Dkt. No. 936 at 3.)

United States District Court
Northern District of California

- 1 4) The blue highlighted portions of Exhibit 4. (Dkt. No. 878-12.) Defendants argue that
- 2 these portions contain technical descriptions of Uber's LiDAR systems, information
- 3 regarding third-party vendors, an identification of Uber's servers and a private address.
- 4 (Dkt. No. 936 at 3-4.)
- 5 5) The blue highlighted portions of Exhibit 5. (Dkt. No. 878-14.) Defendants argue that
- 6 these portions contain identifications of Uber's servers or internal folder structure
- 7 containing LiDAR-related information. (Dkt. No. 936 at 3.)
- 8 6) The entirety of Exhibit 11. (Dkt. No. 878-19.) Defendants argue that disclosure of
- 9 Uber's Network & Device Acceptable Use Policy, which contains computer security-
- 10 related information, would threaten the security of Defendants' servers. (Dkt. No. 936
- 11 at 4.)
- 12 7) The blue highlighted portions of Exhibit 12. (Dkt. No. 878-21.) Defendants argue that
- 13 these portions reference confidential technical descriptions of Uber's LiDAR system.
- 14 (Dkt. No. 936 at 3.)

15 Having considered the administrative motion, and good cause to seal having been shown,
16 the Court GRANTS the parties' requests to seal the following:

- 17 1) The green highlighted portions of Waymo's Letter Brief (Dkt. No. 878-4) and the
- 18 portions Defendants outlined in red. (Dkt. No. 936-2 at 6.)
- 19 2) The green highlighted portions in Exhibit 1, except as noted below. (Dkt. No. 878-6.)
- 20 3) The green and blue highlighted portions in Exhibit 2. (Dkt. No. 878-8.)
- 21 4) The blue highlighted portions of Exhibits 3-5. (Dkt. Nos. 878-10, 878-12, 878-14.)
- 22 5) The entirety of Exhibit 11. (Dkt. No. 878-19.)
- 23 6) The blue highlighted portions of Exhibit 12. (Dkt. No. 878-21.)

24 However, the Court DENIES sealing of the following:

- 25 1) The portion referencing "Pre-Signing Bad Acts" in Exhibit 1. (Dkt. No. 878-6 at 9.)
26 This information is not a trade secret or otherwise privileged
- 27 2) The entirety of Exhibit 6. (Dkt. Nos. 878-15.) Under Civil Local Rule 79-5(e)(1),
28 Defendants were required within "4 days of the filing of the Administrative Motion to

1 File Under Seal . . . [to file] a declaration as required by subsection 79-5(d)(1)(A)
2 establishing that all of the designated material is sealable.” However, Defendants did
3 not file a declaration in support of sealing.

4 3) The blue highlighted portions of Exhibit 7. (Dkt. No. 878-17.) Defendants did not
5 request sealing of this document in their Declaration.
6 4) The entirety of Exhibit 10. (Dkt. No. 878-19.) Mr. Ron did not submit a Declaration
7 in support of sealing; he had until July 18 to do so.

8 Waymo shall file public versions of their briefs and exhibits consistent with this Order by no
9 later than July 31, 2017. *See* N.D. Cal. Civ. L.R. 79-5(f)(3).

10 This Order disposes of Docket No. 878.

11 **IT IS SO ORDERED.**

12 Dated: July 24, 2017



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14 JACQUELINE SCOTT CORLEY
15 United States Magistrate Judge
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